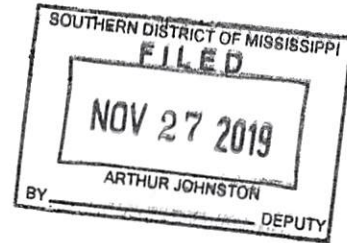


IN THE UNITED STATES DISTRICT COURT
FOR THE Southern DISTRICT OF Mississippi
DIVISION

(Write the District and Division, if any, of the
court in which the complaint is filed.)



Roger Wayne Havens

(Write the full name of each plaintiff who is filing
this complaint. If the names of all the plaintiffs
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names.)

-against-

See Attached

(Write the full name of each defendant who is
being sued. If the names of all the defendants
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names. Do not include
addresses here.)

**Complaint for Violation of Civil
Rights**

(Prisoner Complaint)

Case No. 3:19cv870 HTW-LRA
(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☐ No
(check one)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in *forma pauperis*.

Defendants
Central Mississippi Correctional Facility
Mississippi Department of Corrections
Sandra Lampkin
William T. Brazier M.D.
Captain Washington
Correctional Officer Robinson
Nurse Practitioner N. Waltzer
Nurse Practitioner A. Vyleta
Nurse Practitioner R. King
Captain Bates
Nurse Cee Cee
Correctional Officer Pierce
Deputy Warden Vivian Frazier
Superintendent Ronald King
Gloria Perry
Commissioner Pelicia Hall
Lieutenant Burke

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Roger Wayne Havens

All other names by which you have been known:

ID Number

207382

Current Institution

Central Mississippi Correctional Facility

Address

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Sandra LampkinJob or Title
(if known)Site Medical Administrator (CMCF)

Shield Number

Employer

(CMCF)-MDOC-Provider

Address

CMCF 3794 Hwy. 468 W.
Pearl, Ms. 39208

Individual capacity



Official capacity

Defendant No. 2

Name

Dr. William T. Brazier

Job or Title (if known) Doctor - Medical Doctor (Male)
Shield Number _____
Employer (CMCF) - MDOC - Provider
Address CMCF 3794 Hwy. 468 W.
Pearl, Ms. 39288
☒ Individual capacity ☒ Official capacity

Defendant No. 3

Name Captain Washington
Job or Title (if known) Correctional Officer (CMCF) 720 (Male)
Shield Number _____
Employer (CMCF) - MDOC
Address CMCF 3794 Hwy. 468 W.
Pearl, Ms. 39288
☒ Individual capacity ☒ Official capacity

Defendant No. 4

Name Correctional Officer Robinson
Job or Title (if known) Correctional Officer - Transportation (Male)
Shield Number _____
Employer (CMCF) - MDOC -
Address CMCF 3794 Hwy. 468 W.
Pearl, Ms. 39288
☒ Individual capacity ☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

page 1. I. B.
Defendent No. 5

Name N.P. N. Waltzer
 Job or Title Nurse Practitioner (Female)
 Shield Number
 Employer (CMCF) MDOC - Provider
 Address CMCF 3794 Hwy. 468 W.
Pearl, Ms. 39208
☒ Individual capacity ☒ Official Capacity

Defendent No. 6

Name N.P. A. VVleta
 Job or Title Nurse Practitioner (Female)
 Shield Number
 Employer (CMCF) MDOC - Provider
 Address CMCF 3794 Hwy. 468 W.
Pearl, Ms. 39208
☒ Individual capacity ☒ Official capacity

Defendent No. 7

Name N.P. R. King
 Job or Title Nurse Practitioner (Male)
 Shield Number
 Employer (CMCF) MDOC - Provider
 Address CMCF 3794 Hwy. 468 W.
Pearl, Ms. 39208
☒ Individual capacity ☒ Official capacity

I. B.

page 2. Defendant No. 8

Name Captain Bates
 Job or Title Captain of officers (Female)
 Shield Number
 Employer (CMCF) MDOC
 Address CMCF 3794 Hwy. 468 W.
Pearl, Ms. 39208
☒ Individual capacity ☒ Official capacity

Defendent No. 9

Name Nurse Cee Cee
 Job or Title Nurse (Female)
 Shield Number
 Employer (CMCF) MDOC - Provider
 Address CMCF 3794 Hwy. 468 W.
Pearl, Ms. 39208
☒ Individual capacity ☒ Official capacity

Defendent No. 10

Name Correctional Officer Pierce
 Job or Title Correctional Officer (Female)
 Shield Number
 Employer (CMCF) MDOC - 1
 Address CMCF 3794 Hwy. 468 W.
Pearl, Ms. 39208
☒ Individual capacity ☒ Official capacity

I. B.

page 3. Defendant No. 11

Name
Job or Title
Shield Number
Employer
Address

D.W. Vivian Frazier
Deputy Warden (Female)

(CMCF) MDOC
CMCF 3794 Hwy. 468 W.
Pearl, Ms. 39288

☒ Individual capacity ☒ Official capacity

Defendant No. 12

Name
Job or Title
Shield Number
Employer
Address

Lt. Burke
Leutenant (Female)

(CMCF) MDOC
CMCF 3794 Hwy. 468 W.
Pearl, Ms. 39288

☒ Individual capacity ☒ Official capacity

Defendant No. 13

Name
Job or Title
Shield Number
Employer
Address

Ronald King
Superintendent (CMCF) (Male)

(CMCF) MDOC
CMCF 3794 Hwy. 468 W.
Pearl, Ms. 39288

☒ Individual capacity ☒ Official capacity

I. B.

page 4. Defendant No. 14

Name	<u>Gloria Perry</u>
Job or Title	<u>(MDOC) State Medical Director</u>
Shield Number	
Employer	<u>MDOC</u>
Address	<u>CMCF 3794 Hwy. 468 W.</u>
	<u>Pearl, Ms. 39288</u>
<input checked="" type="checkbox"/> Individual capacity	<input checked="" type="checkbox"/> Official capacity

Defendant No. 15

Name	<u>Pelicia Hall</u>
Job or Title	<u>(MDOC) Commissioner</u>
Shield Number	
Employer	<u>MDOC</u>
Address	<u>CMCF 3794 Hwy. 468 W.</u>
	<u>Pearl, Ms. 39288</u>
<input checked="" type="checkbox"/> Individual capacity	<input checked="" type="checkbox"/> Official capacity

A. Are you bringing suit against (*check all that apply*):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

*Failure to provide adequate medical care. Also violated the
 Cruel and Unusual Punishments Clause. Prison employees and
 Official show deliberate indifference to me. Eighth Amendment violated.
 See attachment IV. D. and Exhibits A-V. Fourteenth violated.*

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

See attachments IV. D. and Exhibits A-V.

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

See attachments IV. D. and Exhibits A-V.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee

- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

Tallahatchie County Sheriff's Department made a false report to media, news, and newspapers that has helped cause indifference to my medical treatment and conditions and treatment.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

The employees at CMCF from Feb. 2018 to the present have denied me ~~other~~ medical treatment, access to medical treatment, handicap accessibility, access to legal services, and fair and ethical treatment as a handicapped or disabled inmate.

- C. What date and approximate time did the events giving rise to your claim(s) occur?

From Feb. 2017 to present. SEE Exhibits A-V

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

Prison officials, ^{guards,} Doctors and Nurses prevented me from receiving adequate medical attention. Sandra Lampkin lied on 2nd step ARP responses by saying they were setting up appointments, but they never did. They did that to prevent me from proceeding to Judicial Review. Captain Washington assaulted me, on or about June 24, 2018.

^{was} I put in Buildings and zones that were drugs and gangs ^{were} promoted.
I was constantly harassed by guards and medical staff.
Please refer to Exhibits A-V
See Attached Pages.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I have been beat, choked, beat against racks or bed, dumped from wheel chairs. I was denied healthcare after being beat numerous times. I was never sent to follow-up with UMMC to get physical therapy scheduled. I was never given proper treatment. I was even interfered with when I got to a doctor one time. Officer Robinson prevent me from getting proper treatment on that occassion. Exhibits A-V explain it all.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I am asking to recieve adequate medical treatment. I am asking to get physical therapy and have any medical surgeries or equipment associate with my conditions provided. I am also request compensation for assault and pain and suffering for the amount of \$500,000. And \$500,000 for mental anguish.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

VI. Relief Continuations

I also ask for \$500,000 associated with injuries sustained in assaults by guards. Also I ask for \$500,000 for injuries sustained by inmates because of guards and prison officials deliberate indifference and malicious actions to my well-being, housing, handicap accessibility, rights, and protection. I also ask for safe, adequate housing, housing to accommodate any disability or handicap, and fair treatment as a human being and a disabled or handicapped person. I also plead for no retaliation against me in any way, shape or fashion. Praying for relief in this situation.

IV. D. Continuations

page 1. I (Roger Wayne Havens) was brought to Central Mississippi Correctional Facility on February 22, 2018 by Tallahatchie County Deputy Benji McKinney. He brought me here after dark. Everybody here said, "This man ain't supposed to be here because of the extent of my injuries. This was said by Healthcare staff and Correctional officers too. I could not do anything for myself except pick up food with my hand. I could not even use a spoon or fork. My injuries were a broken neck, broke arm, broke wrist, broke fingers on each hand, broke leg, broke bones in my feet (both), hypothermia and frost bite to my feet, had staples in the back of my head from the top of my head to midway of my shoulders, had braces on arms and fingers on both hands, had cuts all over my body, road rash covering my entire back, my left knee had open wounds were flesh was hanging out and had been cut off and stitched up, had road rash over 60% of my body, stitches all over my body. At the time I arrived at (CMCF) I never thought these doctors, nurses, guards, prison officials, and employees would not help me to receive adequate medical care or would abuse me and put me in harms way, but I was definitely wrong. I was in such bad shape that I was at any and everybody's ^{own} mercy. As soon as I arrived guards and nurses started saying they seen me on the news

IV. D. Continuations

page 2. and I jumped out the window of a truck. I was placed in a cell at the clinic for a few day. Then they moved me to quickbed. Some of the nurses said we ain't got room for him over here he did this to himself. We don't care what happens to you. I was suppose to recieve pain medication 3 times a day, but I was only brought over 1 time a day and some days not at all. I dressing to be changed daily too, but those were neglected also. I was put in an area were I had no help at all. I could not get to the bathroom or shower. I fell numerous times just trying to get on the toilet or take a shower. I fell just trying to get from my wheelchair to the toilet. From the time I brought out of the clinic room I was abused and neglect very badly. I was taunted and harass by guards and medical staff everytime I went to the clinic. Captain Washington and other guards would taunt me and tell everybody at the clinic that I jumped out the window of the sheriff's truck. He was telling nurses and doctors this too. I was being treated badly and being neglected of my health needs. It was very hard for me to get name at this time period. I was not allowed to carry paper and pen. Guards and employees do not all have name on shirts. When ask

page 3. IV. D. Continuations
 for employees names they got mad and treated me even worse. And of course they would not give me there names. Even when I was able to read a name or hear it, I was so stressed and scared and in so much pain I could not remember it by the time I got to paper and pen. This one particular nurse, they called her nurse Cee Cee. She was always very abusive and angry toward me. I recall one occassion where the guard in the clinic told an inmate to push me and my wheelchair to a particular location to wait for my medication and bandage change. Nurse Cee Cee comes over hollaring and cursing and even threatening me. She told me I could not be there to go back in the holding tank. The guard spoke up for me and got mad at the nurse and tells her to leave me alone. She told me nurse she put me there and I was not hurting anything. Nurse Cee Cee threatens me saying she going to give me and RVR. Then she says I know what I can do to hurt you even worse. She started laughing. She goes and cancels my medication and bandage changes. I could not believe how malicious and vengeful she was toward me. I had to go through alot of stuff get my care back started. I had to put in a sick call and talk to the doctor, he said that ^{she} did

IV. D. Continuations

page 4. not even have the authority to do what she did. Dr. Brazier said, "She did not have authority to do that. It was 5 to 7 days before I got it straightened out. They also charged me for sick calls that I should not have been charged for. I was scheduled for medication 3 times a day, but the tower officer would not get me a ride to the clinic but 1 time a day. The nurses and doctor said "You are scheduled for 3 times a day the have to bring you over here, but they would not. Someday's the tower officer would not get me a ride to the clinic at all. I had serious injuries and they had me house all the way on the opposite side of the entire compound from my medication or any type of medical assistance. I was assaulted, choked, neck twisted, and dumped from my wheelchair. I wrote ARP's and nothing happened. I even talked to Warden Frazier and 2 Captains. I have never even been issued shoes or handbooks since I have been at (CMCF). I have been done bad in alot of ways by Nurse Cee Cee and Captain Washington. Those two acted like they enjoyed abusing and harassing me. Nurse Cee Cee and Captain Washington were constantly trying to make my life bad by having me harass and strip searched everyday while traveling to and

IV. D. Continuations

page 6. keep me with a false hope that they would help me. Dr. Brazier knew they were doing me wrong so he stopped seeing me because he was scared of the lawsuit. He knew I was being lied to by him, nurse's, prison officials, medical staff, medical administrator (Sandra Lampkin), and guards. The nurse at clinic tried to remove the staples from my neck and head. These staples had been in since January 2018. The nurse got 20 out and could not get 9 or 10 of them out. They would not get me to a doctor who could actually remove them correctly. N.P. A. Vyleta, N.P. N. Waltzer, and their provider doctor could not get the last staple out. N.P. N. Waltzer removed 8 or 9 and had me pouring blood and in so much pain. She still could not get the last one out. By what Dr. Brazier wrote on ARP responses, they were performing work on me and not documenting it. I would write sick calls like they would tell me to do. They would call me to the clinic and take my temperature and blood pressure and send me back to the zone without seeing a Nurse Practitioner or Doctor. As you can see on exhibit's H, I still had this staple in my head. This was at least 5 months after installation. They would tell me write sick calls to get staple removed. I was called to clinic.

IV. D. Continuations

page 7.

The nurse checked temperature and blood pressure. Then she asked me what was wrong. So I told her about the staple and physical therapy. She instantly get mad and call me a liar. So she says show me a staple and I pull my hair back once again and there is a staple. She tells me to go to the other desk then to go to the holding tank. Captain Washington shows up and goes in and talks to nurse and comes back out to the holding tank. He tells me to get up out of the wheelchair. I tell him I can not walk or stand. He grabs me by the back of my neck where it has been replaced and squeezes and ~~tries~~ tries to push me into the floor. Then he grabs the ~~chair~~ wheelchair and dumps me to the floor as he chocks me. He leaves me laying in the floor. Inmates wait until he leaves and ask if I am okay. I am not my neck is in severe pain and can't move my neck. After about an hour the inmate clinic worker and a nurse comes out and gets me into a wheelchair and takes me and helps me onto my bed and take my wheelchair. I had no way to get around the zone to the restroom, shower, dining hall, or anywhere for medical

IV. D. Continuations

page 8. attention. I could not get to pill call or clinic. I begged to receive lay in trays. I went one day without any food. And on some of the day I only got 1 or 2 trays. I wrote ARP's letters to Commissioner (Pelicia Hall), superintendent (Ronald King), wrote sick calls, medical request forms, and had my family call to Pelicia Hall's office as well as (CMCF) to get me help and wheelchair. I describe to certain extent what occurred on the forms and my family to prison officials in Jackson and here at (CMCF). There were plenty of witness's who seen this occur. They tried and did move me from the zone I was in because I had all those witness's in there. This incident with Captain Washington occurred on 6-21-18 at CCMCF 720 medical clinic holding tank). It was around 3 weeks before I received a wheelchair. In that length of time I went through so many hardships and grief. I urinated on my on numerous occasions and did not even have a way to get to the shower to clean-up. I was able to perform any day to day functions or get any type of assistance.

I finally got the staple out of my head, but not because of any medical attention. I was asleep and woke up with my head attached to my

IV. D. Continuations

page 5. from the clinic. I even witnessed Nurse Cee Cee tell Captain Washington to give me a hard time. I was even charged with an C7 RVR for having my own prescription ibuprofen with me. I was never given a handbook. I had no idea it was a violation to have my medication out of the original packaging. I ask how I could appeal RVR and the warden or none of employees would tell me. Deputy Warden Frazier was over quickbed. I choked and were my neck was replaced hurts so bad. I move from quickbed around the middle of April, 2018. The abuse did not stop it got even worse by inmates and guards. Medical staff almost refused me treatment. They would see me chronic care or tell me to put in sick calls. The doctor would not see me and when I would try to discuss my healthcare or treatment, they would say we can do anything about it or we will talk to Dr. Brazier. I constantly did any and everything I could do to get medical attention. I wrote ARP's about my medical needs. Dr. Brazier told me at one time when he got medical records from UMMC he could see what was going on. When he got them he said "Oh you are in bad shape we feel sorry for you. I just being told whatever they thought would

IV. D. Continuations

page 10. They were trying to check my neck from all the assaults from guards and inmates. I was taken by 2 correctional officers. The male officer's name was Robinson, but I do not know the female's name. When I was brought in to the doctor's office, she examined me then she said she was gonna get a CT scan of my neck done first. She said I need physical therapy. Me and her were talking about physical therapy. That's when officer Robinson interfered with my medical treatment. He lied to the doctor and told her this prison had physical therapy. They do not have physical therapy. I spoke up and said they do not have it and I am requesting it. Then he told the female officer to push me out of the room. Then he threatened me and told me he would give me a reason to need physical therapy. He stay in the room with the doctor and I could hear him telling the doctor that I did not need physical therapy and they have it at the prison anyway. He compromised my medical attention and prevented me from receiving medical treatment or physical therapy. Then I was taken to a different location for the CT scan. Exhibit 3 Q+U has reference to this issue with Officer Robinson. When you read through the ARP's

IV. D. Continuations

page 9. bed sheet by this staple. I could not get anyone to help me to unattached from my sheet. I could not see or feel how get them apart. I tried to rip the sheet a loose, but could not. It was hurting and bleeding everywhere. I was so scared and frustrated. Finally while attempting to separate them, the staple was ripped from my head. I could not get the tower officer to allow me to get medical attention. This incident occurred on or about the 1st week of September 2018. Mr. D. William T. Brazier would not see me because he knew I was writing ARP's and letters about my medical attention and healthcare. This is indifferent of my healthcare, violation of eighth amendment, cruel and unusual punishment, gross negligence, deliberate indifference to my healthcare and medical needs. I continued to seek medical attention and physical therapy. I was still being assaulted by inmates. I ask and begged for protective custody, or even a safe zone. I did not receive it though. My neck was twisted, pulled, choked, was even attempted to rip my head from my shoulders. I was taken to the medical mall. The doctor told me, she was gonna do my CT scan and check my neck and set me up another follow up so we could get my physical therapy scheduled.

IV. D. Continuations

page 11. and responses you will see where I was told I was being scheduled for follow-up appointments, physical therapy, and medical attention that I never received. I sign ARPs and send them back to seek Judicial Review or appeal and they would be sent straight back to me or I would never see or hear anything else about them. I have written more ARPs than what I have in Exhibits. I was told by Sandra Lamkin (site medical administrator) that they were scheduling physical therapy and re-scheduling for follow-up appointments. She told me I would be coming back to her office for a follow-up to discuss the CT scan on my neck and schedule my physical therapy. The way the ARP responses sound someone has not done their job. I have been at this prison and no one has come and got me to go for anymore appointments. I sure have not refuse any medical attention. They were just giving me answers to ARPs to keep me with a false sense of hope and to prevent me from suing or proceeding with legal actions. I have tried to seek Judicial Review, but did not know how and no one would tell me how. Even sent alot written requests for Judicial Review. I even wrote

IV. D. Continuations

page 12. that I want assistance in seeking Judicial Review and some were mail back and never seen some again. I was able to get copies of one, wrote that on. I also have some sent back to me. I have sent numerous letters to Ronald King (Superintendent), Pelicia Hall (Commissioner), Dr. William T. Brazier, Gloria Perry (State medical director), Sandra Lampkin (Site medical administrator) and recieved no response. I had my family to call and they were told "were scheduling him an appointment to see doctor and get physical therapy. They have done nothing to help me. I have been through so much with all these beatings, abuse, and neglect considering my condition. From the time I recieved I 30 days for Judicial Review if not satified with response, but they would say they we scheduling physical therapy or medical treatment. The ARP's and responses speak for themselves. I know the longer I am stalled from physical therapy the harder it is going to be, to get back to walking and have full use of limbs. Sometimes they would even give me the original copy instead of inmate copy. That is not my fault, I even ask and was told this is your copy. Nobody here at (CMCF) or associated with MDOC is ever wrong

IV. D. Continuations

page 13. in any situation according to their opinion. Please read the ARPs and look at the dates and content. I even ask to be protected or put in protective custody, but was put in buildings and zones where gangs, violence, and drugs were promoted and supplied by guards. I have been beat, assaulted, and almost killed. Praying for help and relief in this case.

On one occasion I was assaulted and badly injured by inmates. I was taken out of zone to clinic for some treatment. Captain Bates would not tell me how to fill charges against other inmates. She even told me "I hope they kill you". She told me on numerous occasions I owed people money and that I was ^{on} drugs. None of that was true about me. She told me she was going to put me in the worst zones and did not care what happened to me. She hope I did not survive prison. She denied me of being where other handicapped and disable people who can not defend themselves. Cruel and unusual punishment was put on me. She did care at all about protecting or keeping me safe, at all.

Lt. Burke prevented me from getting to Inmate Legal Assistance Program, medical

IV. D. Continuations

page 14. treatment at 720 clinic, and denied me of church services. She would not let me go to the things because I was in a wheelchair. She said that the reason too. I had doctor's appointments and I.L.A.P. appointments.

Officer Pierce has neglected my safety, trust, her duties as a State correctional officer. I was beat to within an inch of my life. She comes in the zone hollaring and cursing me. The inmates who done the assault were flirting and talking vulgar to her. She liked it and flirted back. Allow them the hollar and curse me as I was trying get my property to leave. She allowed them to steal my property with her watching and would not even stop them or get my property back. Once I reached the clinic she steadily screamed and hollared at me. She allowed those guys to threaten me in front of her. I was hurt so badly I tried to reach down to check my ankle and fell out of my wheelchair. She tried say she was gonna give me an RVR. She told me I was junkie and a worthless piece of crap, because I was disabled and told on them guys.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes
☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Central Mississippi Correctional Facility

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes
☐ No
☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes
☐ No
☐ Do not know

If yes, which claim(s)?

On ARP responses they provided that they were going to correct some of the issues, but they never did at all. Exhibits N, O, P, R, S, show corrective responses that were never done by CMCF.

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes
☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

E. If you did file a grievance:

1. Where did you file the grievance?

N/A

2. What did you claim in your grievance?

N/A

3. What was the result, if any?

N/A

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

N/A

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

N/A

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

☐ Yes

☒ No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

N/A

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) N/A
Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

N/A

3. Docket or index number

N/A

4. Name of Judge assigned to your case

N/A

5. Approximate date of filing lawsuit

N/A

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition.

N/A

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☒ Yes

☐ No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) Roger Wayne Havens
Defendant(s) Tallahatchie County Sheriff Office et.al.

2. Court (if federal court, name the district; if state court, name the county and State)

Federal Court Northern District

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☒ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

N/A

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____, 20__.

Signature of Plaintiff

Roger Wayne Havens

Printed Name of Plaintiff

Roger Wayne Havens

Prison Identification #

207382

Prison Address

CMCF 3794 Hwy. 468 W.

Pearl

MS

39288

City

State

Zip Code

B. For Attorneys

Date of signing: _____, 20__.

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

Telephone Number

E-mail Address
